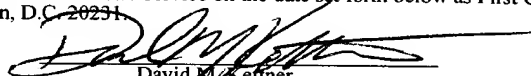


7A 569 Amt

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Signature and Deposit: November 2, 2001


David M. Kettner



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric W. Triplett
Thomas C. Herlache

Date: November 2, 2001

Serial No.: 09/927,616

Group Art Unit: 1645

Filed: 08/10/2001

Examiner:

Title: BIOLOGICAL CONTROL OF
CROWN GALL DISEASE

File No.: 960296.97273

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(b)
Filing Date Granted

Commissioner For Patents
Attention: Box Missing Parts
Washington DC 20231

Dear Sir:

In response to a Notice of Missing Parts mailed October 3, 2001, please amend the above-identified application as follows:

In the Sequence Listing:

Please substitute the attached "Sequence Listing" for the "Sequence Listing" filed in the original application.

REMARKS

In a Notice to File Missing Parts mailed October 3, 2001, the Applicants were given two months from the mailing date to file all required items and pay any fees required to avoid abandonment. A copy of the Notice is included with this Response.

In response to the Notice, the Applicants submit herewith a Declaration signed by the two inventors.

The Applicants also submit a substitute Sequence Listing, as well as a substitute copy of the Sequence Listing in computer-readable form (CRF). The Applicants hereby state and

affirm that the content of the substitute Sequence Listing includes no new matter, and that the CRF is the same as the substitute copy of the Sequence Listing. Applicants respectfully request entry and consideration of the substitute Sequence Listing during the prosecution of the application on its merits.

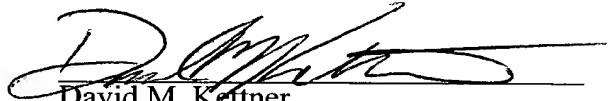
A surcharge in the amount of \$130 is due. Please charge the amount to Deposit Account No. 17-0055.

Should any extension of time be due in this or in any subsequent response, please consider this to be a request for the appropriate extension of time and a request to charge the fee due to Deposit Account No. 17-0055.

Should any other fee be due in connection with this or any subsequent response, please charge the fee to Deposit Account No. 17-0055.

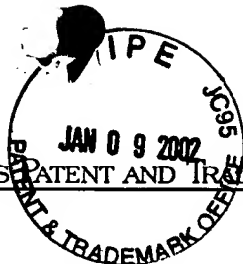
All missing parts are now believed to be on file.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. M. Kettner', with a long horizontal flourish extending to the right.

David M. Kettner
Reg. No.: 45,589
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701

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FAX 608/251-9166



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Page 1 of 2
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/927,616	08/10/2001	Eric W. Triplett	960296.97273

CONFIRMATION NO. 5346

FORMALITIES LETTER



OC000000006837787

David M. Kettner
Quarles & Brady LLP
1 South Pinckney Street
P O Box 2113
Madison, WI 53701-2113Adjustment date: 02/06/2002 NFRASAGD
01/16/2002 SHINASS1 00000002 170055 09927616
01 FC:105 130.00 CR

Date Mailed: 10/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/16/2002 SHINASS1 00000002 170055 09927616
01 FC:105 130.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

02/06/2002 NFRASAGD 00000010 170055 09927616

01 FC:205 65.00 CH

A copy of this notice MUST be returned with the reply.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY